

UNITED STATES DISTRICT COURT  
IN THE WESTERN DISTRICT OF WISCONSIN

JERRY SIMONSON

501 E. Wisconsin Ave, Portage WI 53901

Plaintiff

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PETER OPPENHEIM  
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WD OF WI

Case Number:

18-cv-793-wmc

vs

JOHN TWING, 17 West Main St, Madison WI 53703

LOURDES FERNANDEZ, 17 West Main St, Madison WI 53703

BRIAN O'KEEFE, 17 West Main St, Madison WI 53703

ROGER BRANDNER, [REDACTED]

JOSEPH RUF, [REDACTED]

JORDAN HAUETER, [REDACTED]

LEDA WAGNER, aka Leda Kent, [REDACTED]

TODD WAGNER, [REDACTED]

DOUGLAS JARZYNSKI, [REDACTED]

MICHAEL HAVERLEY, [REDACTED]

ALEXANDER AGNEW, [REDACTED]

BENJAMIN OETZMAN, [REDACTED]

DENNIS RICHARDS, [REDACTED]

VERN GOVE, [REDACTED]

CHARLES CHURCH, [REDACTED]

MARK HAZELBAKER, 3909 Regent St, Madison WI 53705

DAVID PUGH, 712 Oak St, Wisconsin Dells, WI 53965

SCOTT ALBRECHT, 712 Oak St, Wisconsin Dells, WI 53965

KENNETH MANTHEY, 117 West Pleasant St, Portage WI 53901

KEITH KLAFKE, 117 West Pleasant St, Portage WI 53901

SHAWN MURPHY, 117 West Pleasant St, Portage WI 53901

JANE KOHLWEY, Courthouse, 400 DeWitt St, Portage WI 53901

WILLIAM ANDREW VOIGT, [REDACTED]

Defendants, et,al

**COMPLAINT FOR CAUSE OF ACTION UNDER 42 U.S.C. SECTION 1983 SEEKING  
DECLARATORY JUDGMENT, INJUNCTIVE RELIEF  
JURY DEMAND**

**INTRODUCTION**

NOW COMES Plaintiff in a federal cause of action seeking to vindicate federal rights under the Laws and Constitution of the United States and the laws and Constitution of the State of Wisconsin. The causes of action arise from an alleged unrestrained militarized Columbia County Totalitarian Police State being enforced upon citizens by the Defendant's employed as

government officials acting under color of law exercising governmental police powers at the primary direction of Defendant Roger Brandner acting as Columbia County Sheriff constructing a militarized dictatorial local government Police State that targets any citizen who resists or refuses to surrender their federal rights. The Defendants are increasingly conducting unreasonable searches and seizures with unnecessary and excessive militarized police force constituting attacks upon the Plaintiff arresting him on about July 29, 2018 while in the process of acting in his employment capacity as a civil process server and lodging him in the Columbia County jail for more than two days without any probable cause, no criminal charges, denying him unobstructed access to communicate with his legal counsel and then after release from jail the Defendants filed a state court harassment lawsuit, named Plaintiff as a Respondent pursuant to Wis. Stat. 813.125. The Defendants are seeking a harassment restraining order and injunction hearing seeking relief which “criminalizes” Columbia County citizens and the Plaintiff exercising substantive due process federal rights relating to pursuing relief under 42 USC Section 1983 and Wis. Stat. 968.26 for deprivation of those federal rights without substantive due process by intentional acts of Defendant law enforcement and government officials and criminalizes Plaintiffs employment as a civil processor action in violation of the First, Fourth, Fifth, and Fourteenth Amendment and due process provisions as those federal rights are guaranteed and described by the U.S. Constitution.

While being held in the Columbia County Jail without an arraignment, without probable cause, without criminal charges, without bond, without access to a cost free telephone or electronic device to contact family and legal counsel, Plaintiff was interrogated by Wisconsin Department of Justice Division of Criminal Investigation Special Agents Jeff Twing and Lourdes Fernandez (assigned to the Special Investigation Bureau) with the understanding that the Plaintiff would be released from custody “if” he answers questions relating to: naming all of the Columbia County citizens who are against public corruption: who owns a firearm; who is preparing John Doe Petitions being filed under Wis. Stat. 968.26 relating the Police killing Keith Galster, Shaun Bollig, Kelly Bishell, and Thomas Selje; and other subjects. During the course of confinement in Jail and interrogations the Plaintiff became informed that Defendant Oetzman acting under color of law in the course of his employment as a Columbia County Deputy Sheriff opened a criminal investigation described in reports available electronically in the

Columbia County Sheriff office data systems, claiming the Plaintiff and all Columbia County citizens against public corruption who had collected evidence and signed John Doe Petitions pursuant to Wis. Stat, 968.26 presenting evidence to support request to a Judge for issuance of felony murder and other criminal charges against Defendants Haueter, Haverley, Jarzynski, Leda Wagner, Brandner, Oetzman, Manthey, Bagnell and others were “against or anti law enforcement” reporting their identities under the suspicious activity system to the Wisconsin State Wide Intelligence Center/Fusion Center and Federal Bureau of Investigation Joint Terrorism Task Force targeting all citizens for unrestrained covert surveillance activities.

#### **JURISDICTION AND VENUE**

1. Plaintiff brings this action under title 42 U.S.C. Section 1981 Equal Rights Under the Law, 42 U.S.C. Section 1983 Deprivation of Rights, title 42 U.S.C. 1985 Conspiracy To Interfere With Civil Rights, title 42 U.S.C. Section 1986 Action for Neglect To Prevent,.
2. Plaintiff brings this action under U.S. Constitutional federal rights violations guaranteed by the Fourth, Fifth, Fourteenth Amendment's and Equal Protection Clause.
3. Plaintiff brings state law and Wisconsin Constitutional claims in this action under this Courts discretionary authority to exercise supplemental jurisdiction of Wisconsin's Constitutional violations under Section 1, Equal Rights, Section 9, Remedy For Wrongs, Section 11 Search and Seizure.
4. This Court has jurisdiction pursuant to the following statutes: 28 U.S.C. Section 1331, which gives district courts original jurisdiction over civil actions arising under the Constitution, laws or treaties of the United States; 28 U.S.C. Section 1343, which gives district courts jurisdiction over actions to secure civil rights extended by the United States government; 28 U.S.C. Section 1367, which gives the district court supplemental jurisdiction over state law claims.
5. Plaintiff alleges State Law Claims, false arrest, theft of property, unjustified searches, law enforcement conspiracy to injure and tickets with no unobstructed state court avenue for exercising substantive and procedural due process to remedy these wrongs.
6. Plaintiff alleges Defendants policy and practice constructing a militarized Columbia County Police State violating Plaintiffs and similarly situated citizens federal rights and justifying Police killings of citizens including Keith Galster, Shaun Bollig, Kelly

Bishell, Thomas Selje as “suicide or suicide by cop” is unconstitutional.

7. Plaintiff alleges the Defendants policy, practice, or custom constructing a militarized Police State justifying Police killings of citizens as “suicide or suicide by cop” and then depriving Plaintiff and similarly situated citizens of their substantive due process federal rights pursuant to Wis. Stat. 968.26 is “unconstitutional” and in violation of 42 USC Section 1983.
8. Venue is appropriate in this judicial district under 28 U.S.C. Section 1391(b) because the events that gave rise to this Complaint occurred in this district.

#### **PARTIES**

9. Plaintiff Jerry Simonson, who resides at 501 W. Wisconsin Ave, Portage WI 53901, is a citizen of the United States, resident of Columbia County, State of Wisconsin. Plaintiff is a Columbia County citizen who is against public corruption exercising rights guaranteed under the United States Constitution, Wisconsin State Constitution and Wis. Stat. 968.26. Plaintiff is a decorated “disabled” Combat Iraq War veteran for actions taken while under attack by enemy forces, and retired from the Wisconsin Army National Guard with twenty years (20) of honorable service. Plaintiff provides civil process services at the request of John Gruber and associates and others services related to investigations to collect evidence relating to the Defendants unrestrained and uncharged federal offenses and federal rights violations against Columbia County citizens and the Defendants unjustified killing Keith Galster, Shaun Bollig, Kelly Bishell and Thomas Selje.
10. Defendant Todd Wagner is a citizen of the United States, resident of Columbia County, City of Wisconsin Dells, State of Wisconsin and a public official employed as Columbia County Deputy Sheriff, Patrol Sergeant, at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights.
11. Defendant Roger Brandner is a citizen of the United States, resident of Columbia County, State of Wisconsin and a public official employed as Detective Lieutenant for the Columbia County Sheriff's office and is now the Columbia County Sheriff elect at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights.

12. Defendant Michael Haverley is a citizen of the United States, resident of Columbia County, State of Wisconsin and a public official employed as Detective Sergeant for the Columbia County Sheriff's office. At all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights. Defendant Haverley admits he killed Shaun Bollig when he gave two different conflicting narratives claiming first Mr Bollig charged him while pointing a rifle at him with both hands then later changed the story to Mr Bollig shot at him with a pistol as justification to kill Mr Bollig shooting him eleven times with a military assault rifle.
13. Defendant Joseph Ruff (III) is a citizen of the United States, resident of Dane County, State of Wisconsin and is a public official with fiduciary authority over tax payer funds is employed as Corporation Counsel, and Director of Child Support IV-D Agency, and Director of Human Resources for the Columbia County government at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights. Defendant Ruff has publicly stated that Columbia County officials have permission to violate Wisconsin criminal statutes and thereby cannot be criminal prosecuted or held liable for violating citizens federal rights to substantive due process.
14. Defendant Jordan Haueter is a citizen of the United States, resident of Columbia County, State of Wisconsin and is a public official employed as Deputy Sheriff for the Columbia County Sheriff's office and at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights. Defendant Haueter admits he shot and killed Thomas Selje when he gave two different conflicting narratives and lied in his statements claiming Mr Sleje fired gunshots at him four times informing Wisconsin Division of Criminal Investigation Special Agents Defendants Lourdes Fernandez and John Twing of the grounds to arrest and charge Defendant Haueter with numerous violations of Wisconsin criminal statutes.
15. Defendant Leda Wagner is a citizen of the United States, resident of Columbia County, City of Wisconsin Dells, State of Wisconsin and a public official employed as Deputy Sheriff for the Columbia County Sheriff's office at all times relevant to the complaint named in her personal capacity acting under color of law violating Plaintiffs federal

rights. Defendant Wagner admits to killing Mr Kelly Bishell reporting circumstances as justification which were proven to be scientifically and forensically impossible when compared with material facts and crime scene photographs and her claim that a small tear in her uniform shirt was caused by a bullet fired at her by Mr Bishell is a lie.

16. Defendant Douglas (Doug) Jarzynski is a citizen of the United States, resident of Columbia County, State of Wisconsin and previously employed as Patrol Lieutenant for the Columbia County Sheriff's office at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights. Defendant Jarzynski admits to killing Mr Kelly Bishell reporting circumstances as justification which were proven to be scientifically and forensically impossible when compared with material facts and crime scene photographs and his claim that a small tear in his uniform shirt was caused by a bullet fired at him by Mr Bishell is a lie.
17. Defendant Alexander J Agnew is a citizen of the United States, resident of Columbia County, State of Wisconsin and a public official employed as Detective Sergeant for the Columbia County Sheriff's office at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights.
18. Defendant Benjamin Oetzman is a citizen of the United States, resident of Columbia County, State of Wisconsin and a public official employed as Detective Sergeant for the Columbia County Sheriff's office at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights.
19. Defendant John Twing is a citizen of the United States, resident of the State of Wisconsin and a public official employed as Special Agent for the Wisconsin Department of justice Division of Criminal Investigation, at all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights.
20. Defendant Lourdes Fernandez is a citizen of the United States, resident of the State of Wisconsin and a public official employed as Special Agent for the Wisconsin Department of justice Division of Criminal Investigation, at all times relevant to the complaint named in her personal capacity acting under color of law violating Plaintiffs federal rights.

21. Defendant Brian O'Keefe is a citizen of the United States, resident of the State of Wisconsin and a public official employed as Administrator of the Division of Criminal Investigation of the Wisconsin Department of justice and has final authority for public policy and decision maker related to criminal investigations involving Defendants Twing, Fernandez and others. At all times relevant to the complaint named in his personal capacity acting under color of law violating Plaintiffs federal rights including allowing the Defendants continuing unrestrained criminal racketeering enterprise predicate offenses and uncharged Police unjustified murders of Keith Galster, Shaun Bollig, Kelly Bishell, Thomas Selje while maintaining a repressive militarized Columbia County Police state control depriving citizens from exercising their federal rights..
22. Defendant Scott Albrecht is a citizen of the United States, resident of the State of Wisconsin and a public official employed as a City of Wisconsin Dells Police officer who constructed a police report complaint no. 181196WD, dated July 27, 2018 at about 0749 hrs, naming Leda Wagner as a victim of alleged suspicious activity and trespassing by supposedly Plaintiff. Defendant Albrecht states in his report that he had personal contact with and questioned the Plaintiff. Dated august 1, 2018, Defendant Albrecht issued a report and notice delivered to Plaintiff issuing a ordinance violation ticket imposing a fee in the amount of \$155.50 instructing Plaintiff to pay the ticket or appear before the court in person on September 19, 2018. On September 13, 2018, Plaintiff arrived in City of Wisconsin Dells, located Defendant Albrecht who was on duty wearing a police uniform seated in a marked Wisconsin Dells Police vehicle, questioned Defendant to verify he was Scott Albrecht, which he did, then Plaintiff left the area. At all times relevant to the complaint the Defendant named in his personal capacity acting under color of law violating Plaintiffs federal rights.
23. Defendant David Pugh is a citizen of the United States, resident of the State of Wisconsin and a public official employed as a City of Wisconsin Dells Police officer who constructed a police report complaint no. 181240WD, dated July 29, 2018 at about 1815 hrs, naming Todd Wagner as a victim of alleged suspicious activity Stalking and trespassing by supposedly Plaintiff. Defendant Pugh states in his report that he had arrived at the Wagner's residence and observed that Todd Wagner was armed with a

firearm detaining the Plaintiff who was sitting on the front porch. Defendant arrested the Plaintiff pursuant to Defendant Todd Wagner's instructions acting under color of law as Deputy Sheriff Patrol Sergeant after being informed the Plaintiff was acting in his capacity as a civil process server. At all times relevant to the complaint the Defendant named in his personal capacity acting under color of law violating Plaintiffs federal rights.

24. Defendant Mark Hazelbaker is a citizen of the State of Wisconsin and licensed to practice law in the State of Wisconsin currently employed by Columbia County, Columbia County Sheriff office and entire staff, Columbia county circuit Court Commissioner Charles Church, City of Portage, Portage Community School district to provided legal services pursuing Harassment restraining order and injunction cases against Plaintiff and Columbia County citizens against public corruption. Defendant Hazelbaker is a defendant in Rebecca Kowald, et,al v. Portage Community School district et,al as a co-defendant with his clients listed above acting both as attorney and co-defendant and acting under color of law directing a scheme to arrest and frame the Plaintiff under a "felony stalking charge" intentionally to injury the Plaintiffs federal rights for acting as a civil process server. At all time relevant to the complaint the Defendant conspired and acted under color of law violating Plaintiffs federal rights.
25. Defendant Vern Gove is a citizen of the State of Wisconsin and public official as a Columbia County Board of supervisor and County Board Chair exercising fiduciary authority and retired Columbia County Sheriff Deputy at the rank of lieutenant. Plaintiff had served the Defendant with summons and complaint afterwards the Defendant made insulting comments with threat to retaliate and inflict injury. At all times relevant to the complaint the Defendant acted under color of law intentionally violating Plaintiffs federal rights named in his personal capacity.
26. Defendant Jane Kohlwey is a citizen of the State of Wisconsin, Columbia County and the United States and his a public official acting under color of law as the Columbia County District Attorney. The Defendant is named in her personal capacity acting under color of law violating Plaintiffs federal rights through violations of non discretionary ministerial duty pursuant to the Constitutions of the United States and state of Wisconsin

and participating with the Defendants unrestrained and uncharged federal offenses in a quid pro quo agreement which maintains the dictatorial militarized Columbia County Police State. The Defendant has acted pursuant to a practice policy or custom termed "the Kohlwey cover-up" related to the Defendants Police killings of Keith Galster, Shaun Bollig, Kelly Bishell, and Thomas Selje unresolved genuine issues of disputed material facts proving these police killings were not justified and constituted criminal conduct.

27. Defendant Kenneth Manthey is a citizen of the State of Wisconsin, Columbia County and the United States and his a public official acting under color of law as the City of Portage Chief of Police. The Defendant is named in his personal capacity acting under color of law violating Plaintiffs federal rights and enforces a policy or practice falsely repeating a narrative in the Police killing of Keith Galster by claiming Galster while his hands were handcuffed behind his back and an expert witness opinion concludes Police officer shot Mr Galster in the head claims was a suicide.
28. Defendant Keith Klafke is a citizen of the State of Wisconsin, Columbia County and the United States and named in his personal his a public official acting under color of law as the City of Portage assistant Chief of Police violating Plaintiffs federal rights.
29. Defendant Shawn Murphy is a citizen of the State of Wisconsin, Columbia County and the United States and named in his personal capacity a public official acting under color of law as the City of Portage Administrator violating Plaintiffs federal rights.
30. Defendant William Andrew Voigt is a citizen of the State of Wisconsin, Columbia County and the United States and his a public official acting under color of law as the City of Portage Attorney in 2004 at the time Portage Police killed Keith Galster and acting under color of law now in his personal capacity as a Circuit Court Judge failing to perform a ministerial duty pursuant to Wis. Stat. 968.26 assigned to preside over the john doe Petition for the Police Killing of Thomas Selje under Columbia County Circuit Court Case 2017JD00015, violating a declaratory decree and violating Plaintiffs and similarly situated citizens federal rights.
31. Defendant Kenneth Manthey is a citizen of the State of Wisconsin, City of Portage, Columbia County and the United States and his a public official acting under color of

law as the City of Portage Chief of Police and is named in his personal capacity. This Defendant is responsible for the false narrative claiming Mr Keith Galster committed suicide by shooting himself in the head while his hands were handcuffed behind his back and in the physical custody of Portage Police officers Klaude Thompson and Robert Bagnell. This Defendant continues to repeat this false narrative after reading Police reports by Defendant Todd Wagner who was in the room when the gunshot was fired and first person to talk with Robert Bagnell who was with Keith Galster quoting Robert Bagnell saying "I don't know what happened" and reported observing Robert Bagnell hands near the pistol that fired the bullet into Mr Galster skull.

32. Defendant Keith Klafke, is a citizen of the State of Wisconsin, City of Portage, Columbia County and the United States and his a public official acting under color of law as the City of Portage Assistant Chief of Police and is named in his personal capacity at all times relevant to the complaint.
33. Defendant Shawn Murphy, is a citizen of the State of Wisconsin, City of Portage, and the United States and his a public official acting under color of law as the City of Portage Administrator and is named in his personal capacity at all times relevant to the complaint.
34. The Defendants are named in their personal capacity and are at all times relevant to the complaint.
35. The Defendants acted, conspired, failed to act or prevent, intentionally under color of law, statute, ordinance, policy, regulation, custom, or usage of a practice which subjects and/or causes Plaintiff as a citizen of the United States to be deprived of his rights, privileges, or immunities secured by the United States Constitution and federal rights with no meaningful or available state court remedy to restrain and dismantle the Defendants continuing to operate Columbia County government as a militarized Police State which murders it's citizens then calls it "suicide by Cop".

#### **GENERAL ALLEGATIONS**

36. This complaint does not seek damages and is an action seeking declaratory judgment and injunctive relief.
37. The General issue before the Court relate to the Defendants collectively engaging in

acts under color of law conducting unrestrained uncharged federal offenses violating the Plaintiffs federal rights by maintaining a militarized totalitarian Police States conducting massive intrusive surveillance [stalking]of Columbia County citizens targeting any citizen who alleges a governmental violation of a federal right resulting in continuous violations of United States Constitution First, Fourth, Fifth and Fourteenth amendment rights, unreasonable Searches and Seizures without a search warrant, false arrest, confinement in jail without probable cause, unjustified criminal prosecutions selectively targeting a specific group of Columbia County citizens who are against public corruption and Defendant law enforcement officials murdering citizens with immunity provided by Columbia County District Attorney Jane Kohlwey under what citizens term the “Kohlwey Cover-up” described in John Doe Petitions filed by this group of citizens pursuant to Wis stat. 968.26 describing evidentiary facts in Columbia County Circuit Court Case No.'s 2016JD00005; 2017JD00015; 2018JD00002.

38. The Defendants continue with unrestrained and uncharged scheme intending to defraud the United States Government and Wisconsin citizens of honest services through misappropriat and theft of tax payer provided Edward Byrne Justice Assistance Grant federal funding, COPs funding and DARE funding by Defendant Brandner operating the Columbia County Drug Education and Enforcement Task Force activities for his and others personal financial benefit with substantial large sums of unreported and untaxed income.

#### **STATEMENT OF FACTS**

39. Plaintiff Simonson was employed by citizens acting pro se in federal lawsuit 18c-368 to serve the Defendants named in that case with a summons and complaint. Those Defendants are the same Defendants in this action who retaliated against Plaintiff Simonson by first issuing numerous threats to arrest him with implication they may shoot him if Plaintiff comes to their residence or abode to effect personal service upon them. The City of Portage and Defendants Shawn Murphy, Kenneth Manthey and Keith Klafke had already publicly labeled the Plaintiff as a “bottom feeder” targeting Plaintiffs residence 501 W. Wisconsin Street for continuous issuance of ordinance violation tickets alleging the Plaintiffs property had unsightly “junk” while routinely conducting searches

and seizures then instructing Plaintiff to make property improvements knowing Plaintiff is a renter. After Plaintiff had made a substantial purchase of building materials that were observable in his yard, Defendant Kenneth Manthey and Defendant Shawn Murphy arrived at Plaintiffs residence and ordered the City of Portage workers to load these building materials onto their trucks removing the Plaintiffs valuable property without a search warrant and without compensation. Later, defendant Shawn Murphy sent a billing invoice charging the property owner thousands of dollars as a purported clean up fee. Plaintiff learned later that his property had be stolen by City of Portage employees.

40. The law enforcement heavily armed Defendants intentionally avoided being served by Plaintiff the summons and complaint. Plaintiff eventually served many of them at the residence or abode. On about July 27, 2018, Defendant Scott Albrecht acting under color of law as a Columbia County Wisconsin Dells Police officer alleges by ordinance ticket No. 3P80V6DKTD that Plaintiff committed violation of Tress To Land, on Michigan Avenue 350 feet West of Pine Drive, imposing a fine payable to the City of Wisconsin Dells in the amount of \$155.50.
41. On about July 29, 2018, Plaintiff arrived at [REDACTED] and personally served a summons and complaint upon Defendant Leda Wagner by leaving copy with Defendant Todd Wagner. Defendant Todd Wagner had exited the residence by the back door with his firearm upon seeing Plaintiff at the front door and confronted the Plaintiff immediately placing the Plaintiff under arrest and stated “Wisconsin Dells Police are on the way”, when Defendant Police officer David Pugh arrived and placed handcuffs on the Plaintiff taking him to the Columbia County Jail after issuing Plaintiff ordinance ticket No. 3P80V6DKTC alleging Trespass To Land while at the Wisconsin Dells Police station..
42. On about July 30, 2018, Plaintiff was taken to a room while in the Columbia County Jail and interrogated by Wisconsin Division of Criminal Investigation Special Agents (SA) Twing and Fernandez who are believed to be members of the Federal Bureau of Investigation Joint Terrorism Task Force pursuant to a memorandum of understanding agreement between the State of Wisconsin and the U.S. Dept of Justice. These

Defendants tape recorded the interrogation and instructed the Plaintiff to stop serving law enforcement defendants at their residence informing Plaintiff that these defendants had waived service and showed Plaintiff purported Wisconsin circuit court records of entry by these defendants attorneys waiving service. On about July 31, 2018 the Plaintiff was released from Jail.

43. On about August 14, 2018, Plaintiff notified City of Wisconsin Dells Municipal Courthouse entering a plea of not guilty with notice for the production of documents and evidence and police reports necessary to prepare for his defense at trial.
44. Plaintiff received redacted Wisconsin Dells police reports relating to his arrest and ordinance allegations which included hand written statements from Defendant Leda Wagner and Todd Wagner providing the names of the citizens who brought a federal lawsuit against them. These Defendants explain a strategy by Columbia County Sheriff office and the Defendants hiring attorneys to bring harassment state court action against these citizens targeting them for enforcement action and the Plaintiff with claims that the Wagner Defendants are deathly afraid of Plaintiff Simonson because he supposedly walked "aggressively" without telling them in advance of his "intentions" and because he knocked on their residence door to serve them with a piece of paper. These Defendants armed themselves with firearms and implied they may shoot Plaintiff out of supposed fear.
45. Defendants have acted under color of law to intentionally violate and conspired to violate Plaintiffs federal rights including the right to equal protection and benefit of law for unobstructed exercising his employment liberty interest as a civil process server pursuant to Wis statutes and Federal rules of Civil procedure in Columbia County.
46. Defendants have acted under color of law to intentionally violate and conspired to violate Plaintiffs federal rights including 42 USC Sections 1981, 1983, 1985, 1986, and the Fourteenth Amendment right to equal protection and benefit of law for unobstructed exercising his liberty interest as a citizen to investigate, conduct an inquiry, to observe, to collect information believe to constitute Defendants criminal activity and present facts and information to a Judge in the jurisdiction where the criminal conduct occurred for conducting an inquiry and issuance of criminal charges pursuant to Wis statutes 968.26

and or the United States Attorney for requesting presentation to a federal Grand Jury pursuant to 18 USC Sec 3331 for issuance of criminal indictments against the Defendants.

47. Defendants Dennis Richards as Sheriff, Kenneth Manthey as Police Chief, Keith Klafke as assistant Police Chief, Vern Gove as Chair of Columbia County Board of Supervisors, Joseph Ruf, and others with decision making authority were intentionally malicious or deliberately indifferent when they acted under color of law and/or failed to act in violation of 42 USC Section 1986 to prevent Defendants intentionally violate and conspired to violate Plaintiffs federal rights including the Fourteenth Amendment right to equal protection and benefit of law for unobstructed exercising his liberty interest as a citizen to investigate, conduct an inquiry, to observe, to collect information believe to constitute criminal activity and present facts and information to a Judge in the jurisdiction where the criminal conduct occurred for conducting an inquiry and issuance of criminal charges pursuant to Wis statutes 968.26 and or the United States Attorney for requesting presentation to a federal Grand Jury pursuant to 18 USC Sec 3331 for issuance of criminal indictments against the defendants.
48. Defendants have acted under color of law to intentionally violate and conspired to violate Plaintiffs federal rights including 42 USC Sections 1981, 1983, 1985, 1986, and the Fourteenth Amendment right to equal protection and benefit of law, Fourth Amendment for unlawful warrant less search and seizure by arrest on about July 29, 2018 and keeping Plaintiff in Columbia County Jail without probable cause for interrogation by Defendants Twing and Fernandez after Plaintiff exercised his Fifth Amendment right to remain silent and be represented by an attorney.
49. Defendants have acted under color of law to intentionally violate and conspired to violate Plaintiffs federal rights including 42 USC Sections 1981, 1983, 1985, 1986, and the Fourteenth Amendment right to equal protection and benefit of law, Fourth Amendment for unlawful warrant less search and seizure by arrest on about July 29, 2018 and keeping Plaintiff in Columbia County Jail without probable cause for interrogation by Defendants Twing and Fernandez after Plaintiff exercised his Fifth Amendment right to remain silent and be represented by an attorney and deprived

Plaintiff from proper medical treatment and from using a medical device needed for obtaining oxygen during times for sleeping which caused unnecessary suffering and fear of death and deprived Plaintiff from access to the Jail law library which does not make available law books because they have none.

50. Plaintiff has no safety, no security, no equal protection of honest law enforcement services for exercising his unobstructed federal right pursuing life, liberty, and property interest as civil process server due to Columbia County governments transformation into a Totalitarian militarized police State by law enforcement Defendants including Defendant Roger Brandner acting under color of law as Sheriff allegedly the chief executive office directing other Defendants in operating as a organized crime criminal racketeering enterprise contrary to Wisconsin Organized Crime Control Act, and 18 USC RICO Sections 1961-1968. The Defendants are primarily generating unearned financial resources through unjustified tickets, unlawful fund raising events while on duty, operating road side check points using K-9 sniffer dogs to seize cash from citizens without any evidence of criminal activity and killing citizens without substantive due process thereby depriving Plaintiff of his federal rights guaranteed by substantive due process federal rights under the United States Constitutions Fourth, Fifth, Sixth, Eighth, Fourteenth Amendments and Wisconsin State Constitution subjecting him to assault, continuous surveillance, harassment restraining order and injunction state court actions under Wis. Stat. 813.125 without cause or justification by Defendant Hazelbaker exercising governmental police powers directing acts under color of law by the Defendants.

51. Defendants Mark Hazelbaker, Dennis Richards, Vern Gove, Joseph Ruf, Jordan Haueter, Leda Wagner, Todd Wagner, Douglas Jarzynski, Michael Haverley, Alexander Agnew, Benjamin Oetzman, Charles Church, did intentionally conspire to violated Plaintiffs federal rights and took acts in furtherance of the conspiracy to violate Plaintiffs rights through use of a corrupted Columbia County Circuit Court system designed with a structural bias against non lawyer self represented indigent citizens filing a Harassment restraining order and injunction action pursuant to Wis. Stat. 813.125 seeking relief which injures federal rights and criminalizes Plaintiffs liberty interest as a civil process

server and criminalizes exercising constitutional rights to observe law enforcement officials criminal conduct, enter law enforcement and public buildings, prohibited from possession a firearms, prohibited from coming within 100 feet of a law enforcement official and prohibited from parking a motor vehicle within sight of a law enforcement official. Defendant Church was to be the presiding judge in this action under a agreement to issue a judgment in favor of himself and the defendants in the same fashion as Plaintiff witnessed Defendant Church issue judgments in favor of Defendant Oetzman without reasonable cause in Columbia County Case 2018cv00181 harassment restraining order/injunction action against Columbia County citizens against public corruption. Defendant Oetzman had testified he always carries his firearms implying he may shoot citizens that he suspects are staring at him during a state court hearing on June 27, 2018 as Defendant Oetzman touched his firearms on his person as he was staring at Plaintiff who was sitting in the courtroom and while agents for Defendant O'Keefe took out their video recording devices recording the Plaintiff and other supporters who appeared at the hearing with the Plaintiff.

52. Plaintiff alleges the Defendants intentionally conspired and acted to violate his federal rights to equal protection and benefit of law as a “class of one”.
53. Plaintiff alleges the Defendants intentionally treated the Plaintiff differently from others similarly situated and there is no rational basis for the different treatment.
54. Plaintiff alleges the Defendants irrationally without legal justification targeted him for discriminatory treatment as alleged in the complaint.
55. Plaintiff alleges that in committing the acts complained herein, the Defendants acted jointly and separately under color of state law to deprive Plaintiff of his clearly established constitutionally protected rights under the First, Second, Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States, including but not limited to freedom of speech; freedom of liberty of employment as civil process server; freedom from false arrest; freedom from unreasonable search and seizure; freedom from deprivation of liberty and property without substantive due process and procedural due process; freedom from summary punishment; freedom from protection of government officials violating federal rights; and freedom from arbitrary governmental

transformation into a dictatorial militarized Police State where unrestrained Police killing citizens in a manner which shocks the consciousness of a civilized society.

56. Plaintiff alleges the Defendants actions and failure to act were not objectively reasonable under the factual circumstances.

**COUNT I**

42 USC Section 1983 VIOLATION OF 14TH AMENDMENT EQUAL PROTECTION AND BENEFIT OF LAW

57. Plaintiff realleges paragraphs 1 thru 56 and incorporates them by reference herein.

58. Plaintiffs alleges that Defendants Kenneth Manthey, Shawn Murphy, Keith Klafke, acting under color of law as City of Portage governments officials had selectively targeted the Plaintiff without justification since about 2015 continuing as of this date designating him as a “bottom feeder” associated with John Gruber for continuous surveillance of the Plaintiff and the Plaintiffs residence at 501 E. Wisconsin Ave, City of Portage, WI and unjustified issuance of ordinance ticket violations alleging junk left on the property ordering removal within a time period with imposed fine ranging from \$400 to \$500 dollars for failure to comply, and false arrest without reasonable cause and without criminal charges.

59. Defendants were informed the Plaintiff provided a community service to recovering Alcoholics and drug addicts and collected valuable metals for delivery to the scrap yard just blocks from his residence which became a source of income and work for himself and rehabilitation for those people he was assisting also improving the area pursuant to the community Caretaker Doctrine.

60. Plaintiff alleges that after compliance with time requirements for removal of valuable recyclable materials these Defendants imposed fees into their computers system accumulating thousands of dollars of fees imposed upon the property as a lien without notifying Plaintiff depriving Plaintiff as a property lease holder and custodian of any meaningful opportunity to exercise substantive due process which became a pattern continuing as of this date as grounds and pretext for these Defendants acting under color of law for seizure of the property with additional action to evict the Plaintiff and renters.

61. Plaintiff alleges these Defendants conspired and acted to seize building materials purchased on about June 2016 by Plaintiff to construct a fence at his residence in

accordance with the City of Portage building permit in response to demands by Defendants that a fence was needed. These Defendants seized these building materials value at \$3,3000 in violation of Plaintiffs fourth amendment rights without a search warrant and no remedy to receive compensation.

62. Plaintiff alleges that Defendants acting under color of law and retaliated inflicting injury of Plaintiff federal rights because Plaintiff served these defendants a federal lawsuit summons and complaint by continuing to issue Plaintiff unjustified ordinance violation tickets imposing fees.
63. Plaintiffs alleges a violation of his 14 amendment and equal protection federal rights as a class of one, unlawful search and seizure of his property without justification, without any meaningful post deprivation remedy and deprivation of his substantive due process rights.
64. Plaintiff alleges the Defendants act under color of state law pursuant to a policy, procedure, practice, custom, falsely arrested the Plaintiff on December 12, 2016 and again on June 21, 2017 by arriving at 501 E. Wisconsin St, Portage WI, placing handcuffs on Plaintiff taking him to the Columbia County Jail serving a time period of confinement pursuant to the authority of Defendant Murphy, Manthey, and Klafke
65. Where Plaintiffs seeks RELIEF for declaratory judgment the defendants violated his federal rights and other relief.

## **COUNT II**

42 USC Section 1983 Fourth and Fourteenth Amendment violation for False Arrest

66. Plaintiff realleges paragraphs 57 thru 65 and incorporates them by reference herein.
67. On about July 29, 2018, Defendants Roger Brandner, Mark Hazelbaker, Leda Wagner, Todd Wagner, David Pugh, acted in furtherance of a conspiracy to obstruct and interfere with Plaintiff liberty employment interest as a civil process server by arresting the Plaintiff when he arrived at the residence and abode on Michigan Ave, Wisconsin Dells, WI, to serve a summons and complaint upon Leda Wagner by personal service upon her husband Todd Wagner.
68. Defendant Todd Wagner was inside the residence, observed the Plaintiff knocking on the front door, armed himself with a firearm exiting the residence from a back door applying military tactics to surprise the Plaintiff standing on the front porch causing the

Plaintiff to fear for his life that Defendant Todd Wagner would shoot him with the firearm. After Plaintiff served Todd Wagner and attempted to leave Defendant Wagner ordered Plaintiff not to move, that he is detained, Wisconsin Dells Police (Defendant Pugh) are coming, and told Plaintiff to sit down which constituted a custodial arrest based upon Defendant Todd Wagner acting under color of law as a law enforcement official.

69. Defendant David Pugh arrive, had a conversation with Defendant Todd Wagner that resulted in placing handcuffs on Plaintiff placing him under custodial arrest for alleged Trespassing To Property. Defendant Pugh placed Plaintiff into his marked police vehicle transporting Plaintiff to the Wisconsin Dells Police station. After a time period the Plaintiff was issued a Wisconsin Dells civil non-criminal ordinance forfeiture ticket for Trespass To Property and transported to the Columbia County Jail.
70. Defendants arrested Plaintiff without reasonable cause, without probable cause, without an arrest warrant, intentionally violating his federal rights under the Fourth and Fourteenth amendment.
71. Wherefore, Plaintiff seeks Declaratory and Injunctive Relief.

### **COUNT III**

42 USC Section 1981, 1985, 1986 violating Plaintiffs Federal Rights, Fourth and Fourteenth Amendments

72. Plaintiff realleges paragraphs 65 thru 71 and incorporates them by reference herein.
73. Plaintiff alleges that on about July 29, 2018, Defendants Roger Brandner, Mark Hazelbaker, Leda Wagner, Todd Wagner, David Pugh, acted in furtherance of a conspiracy to obstruct and interfere with Plaintiff liberty employment interest as a civil process server by arresting the Plaintiff when he arrived at the residence and abode on Michigan Ave, Wisconsin Dells, WI, to serve a summons and complaint upon Leda Wagner by personal service upon her husband Todd Wagner. These Defendants then contacted and conspired with Defendant Scott Albrecht, Joseph Ruf, Jane Kohlwey, John Twing, Lourdes Fernandez, Dennis Richards, Benjamin Oetzman, to construct and falsify police reports by Defendant Albrecht to frame Plaintiff for a criminal charge of felony Stalking by claiming that on July 27, 2018 Defendant Albrecht was on duty as a Wisconsin Dells Police officer when "he" supposedly had contacted with Plaintiff at

Defendant Wagners residence as Plaintiff was exercising due diligence to serve a summons and complaint.

74. Plaintiff alleges Defendants Vern Gove, Joseph Ruf, Brian O'Keefe, Lourdes Fernandez, John Twing, Jane Kohlwey, Roger Brandner, Mark Hazelbaker had the authority and ability to prevent the Defendants from conspiring and acting in violation of Plaintiffs federal rights guaranteed under the First, Fourth, Fifth and Fourteenth amendments of the U.S. Constitution and intentionally failed to do so which resulted in the state created danger to all citizens subjected to a Columbia County militarized Police State.

75. Wherefore Plaintiffs seeks a Declaratory judgment and injunctive relief.

#### **COUNT IV**

42 USC Section 1981, 1983, 1985, 1986, Violations of First, Second, Fourth, Fifth and Fourteenth amendments and Equal Protection of Law

76. Plaintiff realleges paragraphs 72 thru 76 and incorporates them by reference herein.

77. Plaintiff alleges that on about August 8, 2018, Defendant Mark Hazelbaker accepted thousands of dollars as payment becoming a agent of the state acting under color of law from Columbia County tax payers under fiduciary authority of Defendant Vern Gove, Joseph Ruf in a conspiracy with Defendant Church who violated a declaratory decree as a Circuit Court commissioner to use a corrupted Columbia County Circuit Court filing a harassment restraining order and injunction action under Wis. Stat. 813.125 naming the Plaintiff as a Respondent and other citizens who are Federal lawsuit Plaintiffs against these Defendants as an act furthering a conspiracy to violate Plaintiffs substantive due process federal rights with Defendants Roger Brandner, Michael Haverley, Dennis Richards, Leda Wagner, Douglas Jarzynski, Jordan Haueter, Alexander Agnew, Benjamin Oetzman, Todd Wagner, seeking state court relief of injunctions which injures and criminalizes the Plaintiffs exercising federal rights under Fourteenth Amendment and Equal protection clause by prohibiting Plaintiff and others exercising Community Caretaker doctrine and other rights to observe, investigate, collect and submit evidence to a Judge under Wis. Stat. 968.26 requesting a full inquiry and issuance of felony state criminal charges against the Defendants related to murder, robbery, drug trafficking, and other predicate violation of Wisconsin's Organized Crime Control Act. And seeking issuance of injunctions requiring Plaintiff stay 100 feet away from any Columbia County

Sheriff official, not park a motor vehicle within sight of any law enforcement vehicle, not enter any Columbia County building where any law enforcement official is present, and protective order barring Plaintiff from unobstructed access to any Court.

78. Plaintiff alleges Defendant Jane Kohlwey has guaranteed immunity to all the Defendants from criminal prosecution for criminal conduct against the Plaintiff in violation of his federal rights under color of state law.
79. Plaintiff alleges Defendant O'Keefe has guaranteed no meaningful and impartial criminal investigation will be conducted by Wisconsin Division of Criminal Investigation and no arrests or recommendations for criminal prosecutions will ever be made against the Defendants for their continuing unrestrained and uncharged criminal conduct against the Plaintiff, Columbia County citizens against public corruption and the unjustified murders of Keith Galster, Shaun Bollig, Kelly Bishell and Thomas Selje which are in violation of federal rights under color of state law.
80. Wherefore, Plaintiff seeks Relief of Injunctive and Declaratory judgment.

**COUNT V**

42 USC Sections 1981, 1983, 1985, 1986, Violation of Equal Protection, Fourth and Fourteenth Amendments

81. Plaintiff realleges paragraphs 76 thru 80 and incorporates them by reference herein.
82. Plaintiffs alleges each Defendant has collectively, jointly, and or separately, directly or indirectly participated in a conspiracy and plan constructing a pretext to kill the Plaintiff and any other Columbia County citizen against public corruption who has become known to the Defendants through being photographed by Defendants secret surveillance activity, identified by signature on a John Doe petition filed in the Circuit Court pursuant to Wis. Stat. 968.26, identified as a Federal Court Plaintiff in lawsuit against the Defendants, or identified as a federal witness providing evidence to the United States Attorney seeking federal Grand Jury indictments against the Defendants.
83. Plaintiff alleges Defendant Roger Brandner has on about June 2018, acting under color of state law with Defendant Agnew who videotape the event surrounded the Plaintiff as he sat in a vehicle with John Gruber & associates process servers parked at the Portage Walmart. Defendant Brandner issued orders while armed with firearms and communicate threats directed at Plaintiff and others implying the Defendants are not to

be served with federal lawsuit summons, wanted the federal lawsuit dropped, people will be arrested. Plaintiff became in fear that he would be shot by the Defendants.

84. Plaintiff alleges Defendant Oetzman appeared in state court heavily armed with firearms during a harassment restraining order injunction hearing testifying under oath he is supposedly so afraid and fearful of the Plaintiff and other process servers with John Gruber & associates that he carries his firearms always implying he will shoot the Plaintiff or any other Columbia County citizen against public corruption.
85. Plaintiff alleges Defendants Roger Brandner, Alexander Agnew, Benjamin Oetzman, Kenneth Manthey, Keith Klafke, are conducting electronic surveillance, stalking the Plaintiff by following him when he operates a motor vehicle, placed a global positioning tracking device on motor vehicles he uses (Geolinks account), parking near his residence at 501 E. Wisconsin St, Portage or ordering marked law enforcement vehicles to park at a nearby laundry mat the Plaintiff frequents.
86. Plaintiff alleges Defendant Brandner and others hired or had an agreement with Mr Brian F Jones who arrived at 501 E. Wisconsin Street during the hours of day light with intent to inflict substantial injury or kill the Plaintiff. Plaintiff had reported the attempted break in and potential attack to Portage police who claimed they were instructed not to investigate this incident. Plaintiff remains in fear for his safety and has been deprived of his right to equally receive law enforcement protection due to a state created danger as others similarly situated by the Defendants in violation of his Fourteenth amendment to Equal protection and benefit of law.

#### **Count VI**

42 USC Section 1983 Violation of Equal Protection, Fourteenth amendment,

87. Plaintiff realleges paragraphs 81 thru 86 and incorporates them by reference herein.
88. Plaintiff alleges Defendant William Andrew Voigt participated in the conspiracy and "Kohlwey cover-up" while employed as City of Portage Attorney in the case related to Portage Police officers Klaude Thompson and Robert Bagnell claiming that after they handcuffed Mr Galster's hands behind his back and searched him finding no weapons Mr Galster mysteriously obtained a firearm and shot himself in the skull supposedly committing suicide.
89. Plaintiff alleges Defendant Voigt intentionally accepted assignment to preside over a

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John Doe Petition related to Defendant Haueter killing Thomas Selje in Columbia County Circuit Court Case 2017JD00015, (known as the Thomas Selje John Doe) pursuant to the legislative mandates imposed by the Wisconsin legislature as ministerial duties under Stat. 968.26 knowing he had a political and personal conflict of interest prohibiting his involvement and requiring his mandatory recusal. Defendant Voigt, acting under color of state law in his personal capacity as a Judge-not the Court- failed to perform his ministerial duty and never issued any written determination and did not provide the Plaintiff or the other 125 similarly situated citizen petitioners who signed the action with any written determination and caused the case to removed from the Circuit Court records under seal and appearance the case was arbitrarily and secretly closed.

90. Plaintiff alleges Defendant Voigt reviewed the evidentiary material facts provided by the Plaintiff and others in Case 2017JD0015 and realizing the evidence was unequivocally compelling that the Defendants were operating a constructed militarized police state killing citizens without justification and using a false narrative exonerating themselves calling it “suicide by cop”. Defendant Voigt violated a declaratory decree thereby violating and depriving Plaintiff and similarly situated citizens of their federal rights to equal protection and benefit of law, substantive due process guaranteed by the United States Constitution and became complicit in furthering the enforcement of a unconstitutional policy, practice, or custom.

91. Wherefore Plaintiffs seeks a declaratory judgment and injunctive relief.

#### **Count VII**

42 USC Section 1983 Unconstitutional policy, practice, custom constructing a militarized police state and unjustified killing citizens using a false narrative of “suicide by cop” which is unconstitutionally UN-reveiwal by defendants violating Wis. Stat. 968.26 and lack of any impartial state prosecutor.

92. Plaintiff realleges paragraphs 87 thru 91 and incorporates them by reference herein.

93. Plaintiff alleges the Defendants jointly and collectively act pursuant to a policy, practice, custom under color of law creating a militarized Columbia County Police State by arbitrarily robbing citizens of cash claiming during k-9 check points, arbitrary false arrests without reasonable cause, arbitrary murder by police who claim to be afraid of ever citizen for some reasons, which violates Plaintiffs and similarly situated others federal rights to equal protection and benefit of law, substantive due process under the

Fourth and Fourteenth Amendments of the U.S. Constitution and rights under the State of Wisconsin Constitution.

Wherefore,

Plaintiff prays for the following Relief:

- a) issue an order a finding of declaratory judgment on each count finding the defendants deprived and violated the Plaintiffs federal rights as alleged ;
- b) issue an order providing injunctive relief restraining Defendants from violating federal rights as those rights are alleged in the complaint;
- c) issue an order granting any other relief deemed appropriate and in the interest of justice; award for the cost and expenses for bringing this action including recovery of the filing fees;
- d) issue an order finding as unconstitutional the Defendants policy, practice or custom constructing a militarized police state and justifying Police killings of citizens as “suicide or suicide by cop” which deprives citizens of substantive due process rights pursuant to Wis. Stat. 968.26.

Dated September 20, 2018

*Jerry Ray Simonson*  
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